

#4



DECLARATION FOR PATENT APPLICATION

As the below-named inventors, we hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled METHODS FOR DETERMINING THE TRUE SIGNAL OF AN ANALYTE, the specification of which

\_\_\_\_\_ is attached hereto as Attorney Docket No. \_\_\_\_\_).

XX was filed on March 30, 2001, as Application Serial No. 09/823,850 (Attorney Docket No. P-IS 4588)

and was amended on (or amended through) \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to myself to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

Under Sec. 1.56, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) It establishes, by itself or in combination with other information,

Inventors: Ideker et al.  
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Page 2

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a prima facie case of unpatentability of a claim; or (2) It refutes, or is inconsistent with, a position the applicant takes in: (a) Opposing an argument of unpatentability relied on by the U.S. Patent and Trademark Office, or (b) Asserting an argument of patentability.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Trey E. Ideker

Inventor's signature: Trey E. Ideker

Date: 12/19/2001

Residence: Cambridge, Massachusetts

Citizenship: United States

Post Office Address: 34 Gorham Street, #3  
Cambridge, Massachusetts 02138

Inventors: Ideker et al.  
Serial No.: 09/823,850  
Filed: March 30, 2001  
Page 3

Full name of second inventor: Vesteynn Thorsson

Inventor's signature: Vesteynn Thorsson

Date: Nov 15, 2001

Residence: Seattle, Washington

Citizenship: Iceland / Canada

Post Office Address: 4720 43 Avenue South  
Seattle, Washington 98118

Full name of third inventor: Andrew F. Siegel

Inventor's signature: Andrew F. Siegel

Date: 11/16/01

Residence: Seattle, Washington

Citizenship: United States

Post Office Address: 19243 Ashworth North  
Seattle, Washington 98105  
33



44

POWER OF ATTORNEY FOR PATENT APPLICATION BY ASSIGNEE

Assignee THE INSTITUTE FOR SYSTEMS BIOLOGY is a co-owner of the entire right, title and interest of U.S. patent application Ser. No. 09/823,850, filed on March 30, 2001, as attorney docket number P-IS 4588, and entitled METHODS FOR DETERMINING THE TRUE SIGNAL OF AN ANALYTE, and any subsequently filed divisional, continuation, continuation-in-part or reissue application, including international and foreign applications claiming priority thereto.

The Assignee hereby appoints the following attorneys to prosecute these applications and to transact all related business in the United States Patent and Trademark Office and any international and foreign patent offices:

CATHRYN CAMPBELL, Registration No. 31,815; DAVID A. GAY, Registration No. 39,200; CALVIN A. FAN, Registration No. 38,444; ANDREA L. GASHLER, Registration No. 41,029; JAMES J. WONG, Registration No. 34,949; DEBORAH L. CADENA, Registration No. 44,048; MELANIE K. WEBSTER, Registration No. 45,201; ASTRID R. SPAIN, Registration No. 47,956; and MARGARET M. PARR, Registration No. 48,111.

Please direct all telephone calls to Cathryn Campbell at (858) 535-9001 and address all correspondence to:

CATHRYN CAMPBELL  
CAMPBELL & FLORES LLP  
4370 La Jolla Village Drive  
7<sup>th</sup> Floor  
San Diego, California 92122  
USPTO CUSTOMER NO. 23601

Inventors: Ideker et al.  
Serial No.: 09/823,850  
Filed: March 30, 2001  
Page 2

The undersigned is authorized to sign on behalf of the  
Assignee.

Signature:



Name (typed):

Michael G. Arnold

Title:

Chief Operating Officer / VICE PRESIDENT

Assignee:

THE INSTITUTE FOR SYSTEMS BIOLOGY

Date:

10/2/01



AN EXECUTED POWER OF ATTORNEY FOR  
PATENT APPLICATION BY ASSIGNEE

Attorney Docket No.: P-IS 4588  
Serial No.: 09/823,850

I hereby certify that this correspondence is being deposited with  
the United States Postal Service as first class mail in an  
envelope addressed to: Commissioner for Patents, Washington, D.C.  
20231, on December 19, 2001.

By David A. Gay  
David A. Gay, Reg. No. 39,200  
December 19, 2001  
Date of Signature



**POWER OF ATTORNEY FOR PATENT APPLICATION BY ASSIGNEE**

Assignee UNIVERSITY OF WASHINGTON is a co-owner of the entire right, title and interest of U.S. patent application Ser. No. 09/823,850, filed on March 30, 2001, as attorney docket number P-IS 4588, and entitled METHODS FOR DETERMINING THE TRUE SIGNAL OF AN ANALYTE, and any subsequently filed divisional, continuation, continuation-in-part or reissue application, including international and foreign applications claiming priority thereto.

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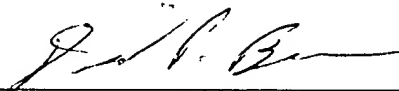
Please direct all telephone calls to Cathryn Campbell at (858) 535-9001 and address all correspondence to:

CATHRYN CAMPBELL  
CAMPBELL & FLORES LLP  
4370 La Jolla Village Drive  
7<sup>th</sup> Floor  
San Diego, California 92122  
USPTO CUSTOMER NO. 23601

Inventors: Ideker et al.  
Serial No.: 09/823,850  
Filed: March 30, 2001  
Page 2 of 2

The undersigned is authorized to sign on behalf of the  
Assignee.

Signature:



Name (typed):

**David Brown**

**Licensing Officer**

Title:

**Office of Technology Licensing  
University of Washington**

Assignee:

**UNIVERSITY OF WASHINGTON**

Date:

**9-19-01**






AN EXECUTED STATEMENT UNDER C.F.R.  
3.73(B) WITH COPY OF EXECUTED  
ASSIGNMENT

Attorney Docket No.: P-IS 4588  
Serial No.: 09/823,850

I hereby certify that this correspondence is being deposited with  
the United States Postal Service as first class mail in an  
envelope addressed to: Commissioner for Patents, Washington, D.C.  
20231, on December 19, 2001.

By   
David A. Gay, Reg. No. 39,200  
December 19, 2001  
Date of Signature



44

**STATEMENT UNDER 37 C.F.R. § 3.73(b)**

Title of Application: METHODS FOR DETERMINING THE  
TRUE SIGNAL OF AN ANALYTE

Application Ser. No.: 09/823,850

Filed: March 30, 2001


Inventor(s): Ideker et al.

Attorney Docket No.: P-IS 4588

THE INSTITUTE FOR SYSTEMS BIOLOGY, a non-profit organization, states that it is the co-assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the application. A copy of the executed assignment, submitted for recording, is attached hereto as documentary evidence of the chain of title to the assignee.

The undersigned is empowered to sign this statement on behalf of the assignee.

Date: 12/05/01

Signature: 

Name: G. Michael Arnold

Title: Vice President

COPY

ASSIGNMENT

This Assignment is made by Trey E. Ideker, of Seattle, Washington, and Vesteynn Thorsson, of Seattle, Washington, Assignors, to THE INSTITUTE FOR SYSTEMS BIOLOGY, Assignee, having a place of business at 4225 Roosevelt Way, N.E., Suite 200, Seattle, Washington 98105-6099.

WHEREAS, Assignors have invented a new and useful METHODS FOR DETERMINING THE TRUE SIGNAL OF AN ANALYTE for which an application for United States Letters Patent was filed on March 30, 2001, in the United States Patent and Trademark Office, bearing Serial No. 09/823,850 and identified as Attorney Docket No: P-IS 4588;

WHEREAS, Assignors believe themselves to be the original inventors of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, the parties desire to have a recordable instrument assigning an undivided part interest of Assignors right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

WHEREAS, Assignors are simultaneously assigning an undivided part interest in and to said invention to the UNIVERSITY OF WASHINGTON, these two assignments constituting an assignment of the entirety of Assignors right, title and interest in and to said invention;

Inventors: Ideker et al.  
Serial No.: 09/823,850  
Filed: March 30, 2001  
Page 2

NOW, THEREFORE, in accordance with the obligations to assign the invention and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors sell, assign, and transfer to Assignee, an undivided part interest of Assignors right, title, and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

Assignors agree that, upon request and without further compensation, but at no expense to Assignors, they and their legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording, or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights as stated herein.

Inventors: Ideker et al.  
Serial No.: 09/823,850  
Filed: March 30, 2001  
Page 3

Assignors authorize and request the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for said invention, whether on said application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of an undivided part interest of Assignors interest in said invention.

IN WITNESS WHEREOF, Assignors have executed this Assignment on the date(s) provided below.

Assignor: Trey E. Ideker

Trey Ideker      Oct 26, 2001  
Signature                      Date

STATE OF Massachusetts )  
COUNTY OF Middlesex )

On October 26, 2001, before me, Clotilda M. Ware  
Trey E. Ideker  
personally appeared Trey E. Ideker,  
\_\_\_\_\_ personally known to me - OR - \_\_\_\_\_ proved to me on the basis  
of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Clotilda M. Ware  
(Signature of Notary)

CLOTILDA M. WARE, Notary Public  
My Commission Expires June 14, 2007

Inventors: Ideker et al.  
Serial No.: 09/823,850  
Filed: March 30, 2001  
Page 4

Assignor: Vesteynn Thorsson

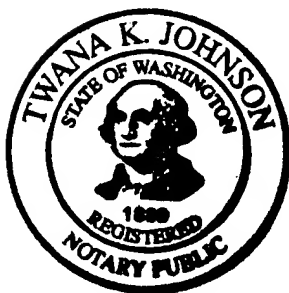
Vesteinn Thorsson Dec 5, 2001  
Signature Date

STATE OF Washington )  
COUNTY OF King )

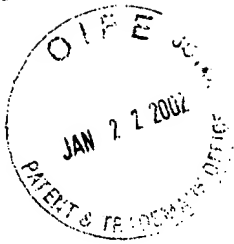
On 12/5/01 before me, Twana Johnson  
personally appeared Vesteinn Thorsson,  
☒ personally known to me - OR -        proved to me on the basis  
of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Twana Johnson  
(Signature of Notary)



EXPIRES: 09/01/2004



AN EXECUTED STATEMENT UNDER C.F.R.  
3.73(B) WITH COPY OF EXECUTED  
ASSIGNMENT

Attorney Docket No.: P-IS 4588  
Serial No.: 09/823,850

I hereby certify that this correspondence is being deposited with  
the United States Postal Service as first class mail in an  
envelope addressed to: Commissioner for Patents, Washington, D.C.  
20231, on December 19, 2001.

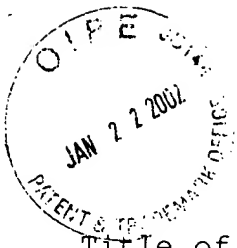
By

A handwritten signature in dark ink, appearing to read "D. A. Gay", written over a horizontal line.

David A. Gay, Reg. No. 39,200

December 19, 2001

Date of Signature



STATEMENT UNDER 37 C.F.R. § 3.73(b)

Title of Application: METHODS FOR DETERMINING THE TRUE SIGNAL  
OF AN ANALYTE

Application Ser. No.: 09/823,850

Filed: March 30, 2001

Inventors: Ideker et al.

Attorney Docket No.: P-IS 4588

UNIVERSITY OF WASHINGTON, University, states that it is the co-assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the application. A copy of the executed assignment, submitted for recording, is attached hereto as documentary evidence of the chain of title to the assignee.

The undersigned is empowered to sign this statement on behalf of the assignee.

Date: 9-19-01

Signature: 

Name: David Brown  
Licensing Officer  
Office of Technology Licensing  
University of Washington

Title: \_\_\_\_\_



COPY

ASSIGNMENT

This Assignment is made by Trey E. Ideker, of Seattle, Washington, and Vesteinn Thorsson, of Seattle, Washington, Assignors, to the UNIVERSITY OF WASHINGTON, Assignee, having a place of business at 1107 N.E. 45<sup>th</sup> Street, Suite 200, Seattle, Washington 98105-4631.

WHEREAS, Assignors have invented a new and useful METHODS FOR DETERMINING THE TRUE SIGNAL OF AN ANALYTE for which an application for United States Letters Patent was filed on March 30, 2001, in the United States Patent and Trademark Office, bearing Serial No. 09/823,850 and identified as Attorney Docket No: P-IS 4588;

WHEREAS, Assignors believe themselves to be the original inventors of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, the parties desire to have a recordable instrument assigning an undivided part interest of Assignors right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

WHEREAS, Assignors are simultaneously assigning an undivided part interest in and to said invention to THE INSTITUTE FOR SYSTEMS BIOLOGY, these two assignments constituting an assignment of the entirety of Assignors right, title and interest in and to said invention;

Inventors: Ideker et al.  
Serial No.: 09/823,850  
Filed: March 30, 2001  
Page 2 of 4

NOW, THEREFORE, in accordance with the obligations to assign the invention and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors sell, assign, and transfer to Assignee, an undivided part interest of Assignors right, title, and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

Assignors agree that, upon request and without further compensation, but at no expense to Assignors, they and their legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording, or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights as stated herein.

Inventors: Ideker et al.  
Serial No.: 09/823,850  
Filed: March 30, 2001  
Page 3 of 4

Assignors authorize and request the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for said invention, whether on said application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of an undivided part interest of Assignors interest in said invention.

IN WITNESS WHEREOF, Assignors have executed this Assignment on the date(s) provided below.

Assignor: Trey E. Ideker

Trey Ideker Oct 26, 2001  
Signature Date

STATE OF Massachusetts  
COUNTY OF Middlesex )

On October 26, 2001, before me, Clotilda M. Ware personally appeared Trey E. Ideker,  
\_\_\_ personally known to me - OR - \_\_\_ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Clotilda M. Ware  
(Signature of Notary)

CLOTILDA M. WARE, Notary Public  
My Commission Expires June 14, 2007

Inventors: Ideker et al.  
Serial No.: 09/823,850  
Filed: March 30, 2001  
Page 4 of 4

Assignor: Vesteynn Thorsson

Vesteynn Thorsson, Dec 5 2001  
Signature Date

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COUNTY OF King )

On 12/5/01, before me, Twana Johnson  
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☒ personally known to me - OR -        proved to me on the basis  
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WITNESS by hand and official seal.

Twana Johnson  
(Signature of Notary)



EXPIRES: 09/01/2004